

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

IN RE: SANDRA PAUL

DEBTOR

CHAPTER 7
JUDGE THOMAS J. TUCKER
CASE NO. 14-49668

**ORDER GRANTING, IN PART, DEBTOR'S MOTION SEEKING RELIEF
AGAINST SEARS FOR VIOLATION OF THE AUTOMATIC STAY**

This case is before the Court on the Debtor's motion entitled "Motion to Hold Sears in Contempt for Violation of the Automatic Stay" (Docket # 21, the "Motion"). No timely response has been filed by Sears to the Motion, and a certificate of no response was filed by Debtor on December 18, 2014.

The Court concludes that the relief requested by Debtor in the Motion for Sears's willful violation of the automatic stay is grossly excessive (Debtor requests \$5,000 in damages and \$1,500 in attorney fees.) The Motion and its exhibits allege, as the only stay violations, that Sears took two withdrawals, totaling only \$67.00, from Debtor's bank account, and that Sears has since returned this sum to the Debtor.

Debtor has not alleged or demonstrated in her Motion that she suffered any actual damages for the stay violations, other than the temporary loss of use of her \$67.00 (which amount the Motion says was later returned to Debtor by Sears), and her actual and reasonable attorney fees caused by the stay violations. The Motion does not demonstrate that the reasonable and actual attorney fees Debtor incurred because of the stay violations could possibly total as much as \$1,500. The Court finds that the following relief is appropriate under 11 U.S.C. § 362(k)(1), and no more. Accordingly,

IT IS ORDERED that the Motion is granted to the extent of the relief provided by this Order, and otherwise is denied.

IT IS FURTHER ORDERED that Sears is liable to Debtor for the attorney fees of Debtor's attorney in the amount of \$400.00 for its wilful violations of the automatic stay, and judgment is hereby entered in that amount in favor of the Debtor and against Sears.

Signed on December 19, 2014

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge